

has determined and obtained, that our Sovereign Lord the King got made his Money Act. 23. Par. 1. J. 1. The three Estates has concluded, that our Sovereign Lord ride through all the Realm for punishing of Crimes Act. Par. 9. J. 2. This Variation of stile in our Acts of Parliament imports no thing; for whatever ~~is~~ recorded among the Acts of Parliament has been done with Consent of the King and of the Estates Star. Justit. Act. Tit. 1. S. 24. And so made by lawfull Authority. And the recording an Act in Privy-Council among the Acts of Parliament gave it the Force of a publick Law viz: Act. 102. Par. 7. J. 4. which was an Act of H. James the fourth made with Advice of his Privy-Council in England An. 1513 Thereafter being placed among the Acts of that King's last Parliament held at Edinburgh 8 May 1509 for the Security of such as exposed their Lives in Defense of their King and Countrey, got the Force of a Law. McKenzie Observ. on d. Act. 102. Decisions of Parliament being inserted among the Laws, are thereby equal to Laws, tho they be not conceived as general Laws Act. 24. Par. 11. J. 9. McKenzie Observ. ibid. And Decisions by the King recorded among the Acts of Parliament, have the like Force of Law Stat. David 2. Cap. 16. generally many Acts of Parliament were at first Acts of Privy-Council McKenzie Observ. on Act. 79. Par. 11. J. 6. and many others were originally Acts of Advice of the Sepion. Sir Geo. McKenzie Observ. on Act. 233. Par. 13. J. 6. tells us that he found in the Records Books of Parliament several Acts ingrossed bearing to have been made by the Lords of Secret-Council, Sepion and Exchequer met together, as the several Chambers whereof the Parliament of Paris consists, convene all together when any solemn Arrest or Decision is to be pronounced in private.

in some of our Statutes there are ~~very~~ unnecessary and improper Clauses or words v. g. In Act. 4. Par. 2. Sep. 1. Ch. 2. declaring it unlawful to charge expired, there is one Exception of grinding against Tassals for their fees Dutys which did not fall under the prohibition. In some Acts (as Acts 8. 9. 10. 11. 12. Par. 1. J. 6.) the Parliament says very incongruously by My Lord Regent, for The Lord Regent In Act. 1. Par. 1. J. 6. The Earl of Murray is ineptly stiled 2. Maries brother, when he was only her natural brother; and called her Aunt Cousin, tho he was his natural Uncle Act. 3. Par. 1. Ch. 1. bears. Our Sovereign Lord and his Successors that now is in stead of Our Lord that now is and his Successors. In the Act. 6. Sep. 2. Par. 11. For these words In case he be detained after his former Imprisonment is sufficiently instructed to the Keeper of the Prisones It should be in case he be detained after his former Liberation is instructed to the Keeper of the Prisones. In Act. 22. Par. 5. 2. All punished by proscriptores, should be the word of Act. 197. Par. 13. J. 1. that neither Lord of Regality Sheriff Baron or others sell any Thief or fine with him of the spoils under.

under the pain is the Lord of Regality of Sheriff of the Regality, and Barons Justices and Sheriffs of Life and Goods seem to be misplaced: for Lords of Regality, as well as others operating in Manner aforesaid are punishable with the Loss of Life and Office. McKenzie Observ. on d. Act. 197.

Some Acts are misplaced as an Act of 2. Maries, Par. 19. April 1567 abrogating Acts contrary to the Religion is insert as the 31 Act of H. James the first Sixths first Parliament. And the Act annexing the Superiorities of Church-Lands to the Crown Act. 10. Par. 1. Ch. 1. is placed before the Act declaring those Superiorities to belong to the Crown Act. 14. Par. 1. Ch. 1. Whereas they could not be annexed till once they were declared to belong to the Crown. In other Acts of Parliament there are mistaken Narratives or References v. g. Act. 177. Par. 13. J. 6. Appoints Horning to be directed on Decrees of Barons, as upon commissary precepts: whereas Horning was not allowed upon commissary precepts till 19 years after Act. 7. Par. 21. J. 6. depending upon Decrees of Sheriffs Commissarys and other inferior Judges, is ordered by one Statute (Act. 29. Par. 1. Sep. 1. Ch. 2) in the same Manner as Letters of Horning are appointed to pass upon the said Decrees by another Statute (Act. 10. Par. 10. J. 6) whereinneither the said Decrees nor Admiral is named. The year of making Act. 37. Par. 2. J. 6. is wrongly narrated in Act. 205. Par. 14. J. 6. Which perhaps gave Occasion to my Lord Stair (Inst. lib. 3. tit. 3. S. 89) to say that the said Statute is delete and not extant. The Act. 15. Par. 2. J. 4. ordains every Fleck in Courees to be 5 Inches wide. Which the Lords of Sepion found to be an Error in <sup>transcribing of</sup> printing that Law: and that the Distance of the Flecks ought to be three Inches conform to Act. 74. Par. 10. J. 3. In respect both Acts relate to the Statute of H. David, which mentions only three Inches: as 26 January 1665 Executors of Don fishing contra F. of Aberdeen the Act. 16. Par. 1. Sep. 3. Ch. 2. ratifies by Mistake the Act. 7. Par. 6. and Act. 168. Par. 15. J. 6. in stead of the Act. 74. Par. 6. and Act. 268. Par. 13. J. 6. McKenzie Observ. on d. Act. 16. again the Act. 91. Par. 1. Sep. 1. Ch. 2. ratifies and revives the Act. 9. Par. 4. J. 1. for planting of Woods Forests and Orchards, in stead of Act. 80. Par. 14. J. 2. to sow Broom and make Hedges, or Act. 74. Par. 6. J. 4. For there is no Act for planting of Woods Forests and Orchards in any Parliament of H. James the first. The Act. 33. Par. 4. J. 5. relates to another Act of Parliament dated 10 July 1525 whereas no Act of Parliament of that Date is extant among our printed Laws. The Act. 16. Par. 9. Ch. 2. ratifies the Act. 15. Par. 12. J. 6. By a Mistake, in stead of Act 157. Par. 12. J. 6. The Act 189. Par. 13. J. 6. bears 68ans the rilles of the Bishop of Dunfermling to be annexed to the Crown according to the tenor of the Act of Annexation 1607 whereby all Tithes of the Roman Catholick Church Lands and parishes of the Kingdom are annexed. But this clause seems to be miswritten: For Tithes were not annexed to the Crown with the Temporality of Bonfires Act 29. Par. 11. J. 6. McKenzie Observ. on d. Act. 29.